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8 **BEFORE THE**
9 **STRUCTURAL PEST CONTROL BOARD**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2015-30

13 **NORMA HOGUE**
14 **1390 Weers Street**
15 **El Cajon, CA 92020**

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

16 **Field Representative License No. FR 20765**

17 **Respondent.**

18 **FINDINGS OF FACT**

19 1. On December 3, 2014, Complainant Susan Saylor, in her official capacity as the
20 Registrar/Executive Officer of the Structural Pest Control Board, Department of Consumer
21 Affairs, filed Accusation No. 2015-30 against Norma Hogue (Respondent) before the Structural
22 Pest Control Board. (Accusation attached as Exhibit A.)

23 2. On June 1, 1992, the Structural Pest Control Board (Board) issued Field
24 Representative License No. FR 20765 to Respondent. The Field Representative License was in
25 full force and effect at all times relevant to the charges brought in Accusation No. 2015-30 and
will expire on June 30, 2015, unless renewed.

26 3. On December 3, 2014, Respondent was served by Certified and First Class Mail
27 copies of Accusation No. 2015-30, Statement to Respondent, Notice of Defense, Request for
28 Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7)

1 at Respondent's address of record which, pursuant to Business and Professions Code section
2 136, is required to be reported and maintained with the Board. Respondent's address of record
3 was and is 1390 Weers Street, El Cajon, CA 92020.

4 4. Service of the Accusation was effective as a matter of law under the provisions of
5 Government Code section 11505, subdivision (c) and Business & Professions Code section 124.

6 5. On December 8, 2014, the domestic return receipt for the aforementioned
7 documents was returned by the U.S. Postal Service indicating receipt by Respondent.

8 6. Government Code section 11506 states, in pertinent part:

9 (c) The respondent shall be entitled to a hearing on the merits if the
10 respondent files a notice of defense, and the notice shall be deemed a specific
11 denial of all parts of the accusation not expressly admitted. Failure to file a notice
12 of defense shall constitute a waiver of respondent's right to a hearing, but the
13 agency in its discretion may nevertheless grant a hearing.

14 7. Respondent failed to file a Notice of Defense within 15 days after service upon
15 her of the Accusation, and therefore waived her right to a hearing on the merits of Accusation
16 No. 2015-30.

17 8. California Government Code section 11520 states, in pertinent part:

18 (a) If the respondent either fails to file a notice of defense or to appear at
19 the hearing, the agency may take action based upon the respondent's express
20 admissions or upon other evidence and affidavits may be used as evidence
21 without any notice to respondent.

22 9. Pursuant to its authority under Government Code section 11520, the Board finds
23 Respondent is in default. The Board will take action without further hearing and, based on the
24 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as
25 taking official notice of all the investigatory reports, exhibits and statements contained therein on
26 file at the Board's offices regarding the allegations contained in Accusation No. 2015-30, finds
27 that the charges and allegations in Accusation No. 2015-30, are separately and severally, found
28 to be true and correct by clear and convincing evidence.

10 Taking official notice of its own internal records, pursuant to Business and
11 Professions Code section 125.3, it is hereby determined that the reasonable costs for
12 Investigation and Enforcement is \$662.50 as of January 16, 2015.

DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Norma Hogue has subjected her Field Representative License No. FR 20765 to discipline.

2. The agency has jurisdiction to adjudicate this case by default.

3. The Structural Pest Control Board is authorized to revoke Respondent's Field Representative License based upon the following violations alleged in the Accusation which are supported by the evidence contained in the Default Decision Evidence Packet in this case.

a. Respondent is subject to disciplinary action under Code sections 8593 and 8641, in that she failed to verify the completion of 30 hours of Board approved continuing education courses as claimed on her renewal application dated June 22, 2012, as required by California Code of Regulations, title 16, section 1950, subdivisions (a) and (d), and having been requested to do so by the Board in writing on November 28, 2012, January 9, 2013, and October 23, 2013.

b. Respondent is subject to disciplinary action under section 8637 for misrepresentation of a material fact on her June 22, 2012, renewal application by certifying under penalty of perjury that she had completed the continuing education required to renew her license, when in fact she had not done so.

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1 **ORDER**

2 IT IS SO ORDERED that Field Representative License No. FR 20765, heretofore issued
3 to Respondent Norma Hogue, is revoked.

4 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a
5 written motion requesting that the Decision be vacated and stating the grounds relied on within
6 seven (7) days after service of the Decision on Respondent. The agency in its discretion may
7 vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

8 This Decision shall become effective on April 9, 2015.

9 It is so ORDERED March 10, 2015

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14 FOR THE STRUCTURAL PEST CONTROL BOARD
DEPARTMENT OF CONSUMER AFFAIRS

15 71013564.DOC
16 DOJ Matter ID:SD2014708047

17 Attachment:
18 Exhibit A: Accusation
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